

REV. 09/01  
For Other Than A Small Entity



Attorney Docket No. C014C/D/1

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

RECEIVED  
MAR 19 2002  
TECH CENTER 1600/2900

In re application of: Michael J. Yellin et al.  
Application No. : 09/343,001 Confirmation No.: 7400  
Filed : June 29, 1999  
For : THERAPEUTIC APPLICATIONS FOR THE  
ANTI-T-BAM (CD40-L) MONOCLONAL  
ANTIBODY 5C8 IN THE TREATMENT OF  
VASCULITIS  
Group Art Unit : 1644  
Examiner : Phillip Gambel

New York, New York  
March 8, 2002

Hon. Commissioner for Patents  
BOX AF  
P.O. Box 2327  
Arlington, Virginia 22202

NOTICE OF APPEAL

Sir:

Applicant(s) hereby appeals to the Board of Appeals  
from the decision of the Primary Examiner mailed September 10,  
2001 in which the rejection of claims 145-166 was made final.

[ ] Applicant(s) respectfully requests an oral hearing before  
the Board of Appeals. The appropriate fee is submitted  
herewith.

03/15/2002 SDENB001 00000020 09343001

01 FC:119

320.00 OP

☐ The appropriate fee for a \_\_\_\_\_-month extension of time to respond to the final rejection was timely paid on \_\_\_\_\_.

☒ A three-month extension of time to respond to the final rejection is requested and the appropriate extension fee is submitted herewith.

☒ Address all correspondence to:

Margaret A. Pierri, Esq  
Reg. No. 30,709  
FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000

☒ A check in the amount of ☒ \$320.00 ☐ \$600.00 in payment of the ☒ appeal fee, ☐ appeal and oral hearing fees, is enclosed.

☒ The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

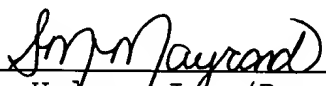
☐ Please charge ☐ \$320.00 ☐ \$600.00 to Deposit Account No. 06-1075 in payment of the ☐ appeal fee; ☐ appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.

#### EXTENSION FEE

☒ The following extension fee is applicable to the Notice of Appeal filed herewith; ☐ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$400.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☒ \$920.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,440.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,960.00 extension fee for fifth month pursuant to 37 C.F.R. 1.136(a).

☒ A check in the amount of ☐ \$110.00; ☐ \$400.00; ☒ \$920.00; ☐ \$1,440.00; ☐ \$1,960.00; in payment of the extension fee is transmitted herewith.

- [X] The Director is hereby authorized to charge payment of any additional fee required under 37 C.F.R. § 1.17, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.
- [ ] Please charge the [ ] \$110.00; [ ] \$400.00; [ ] \$920.00; [ ] \$1,440.00; [ ] \$1,960.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

  
James F. Haley, Jr. (Reg. No. 27,794)  
Margaret A. Pierri (Reg. No. 30,709)  
Attorneys for Applicants  
Shawn-Marie Mayrand (Reg. No. 48,986)  
Agent for Applicants  
c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000  
Fax.: (212) 596-9090

I Hereby Certify that this  
Correspondence is being  
Deposited with the U.S.  
Postal Service as First  
Class Mail in an Envelope  
Addressed to: ASSISTANT  
COMMISSIONER FOR  
PATENTS  
AMERICAN, P.O. Box 2343  
ALEXANDRIA, VA. 22202-0234  
March 8 2002  
Charles J. Saintil  
Signature of Person Signing